

**IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

UNITED STATES OF AMERICA)

)

)

v.)

Case no. 1:14-CR-306-GBL - 8

)

)

MANUEL E. PAIZ GUEVARA)

MOTION TO WITHDRAW AS LEARNED COUNSEL

NUNC PRO TUNC

Movant is compelled to withdraw as Learned Counsel for the defendant has been diagnosed with prostate cancer. Trial is set to commence on March 21, 2016. The court has denied a motion to sever and continue. Cancer treatment has been scheduled for March 2, 2016 and, due to probable and possible recuperative and treatment side effects, both physical and mental, it is unlikely counsel can engage in a multi-week trial or provide defendant with the standard of effective assistance required by the court and the constitution. .

MOTION

COMES NOW, DAVID P. BAUGH, ESQ., Movant and files this, his Motion to Withdraw as Learned Counsel Nunc Pro Tunc for defendant Manuel E. Paiz Guevara. ,

In support of the motion the following facts are asserted and can be proven:

1. Learned counsel was of the impression he had been relieved as of the last hearing denying continuance and severance, held via telephone conference on Thursday, February 4, 2016. Learned counsel has not been involved in the defense of this defendant since that date.
2. The defendant, Manuel E. Paiz Guevara, does not agree to Learned Counsel's withdrawal and does not waive his entitlement to two attorneys.
3. That one or about December 11, 2015 learned counsel was diagnosed with prostate cancer.
4. That counsel was advised to not delay in follow up to assess the stage of the illness and whether the cancer had metastasized outside of the prostate gland and, if so, the organs effected.
5. That counsel was referred to an oncologist for December 23, 2015.
6. On January 4, 2016 a computerized tomography scan, also known as a CT scan was conducted and a bone scan. The results revealed the illness was contained within the capsule of the gland.

7. Counsel then began to investigate the illness, modes of treatment and providers through personal research, consultation in appointment with various providers, conversation with other prostate cancer survivors, including one federal judge, personal friends in medicine and medically trained relatives.
8. As soon as counsel became aware of the anticipated debilitating treatment and recuperative side effects counsel moved for continuance or severance and continuance.
9. Both motions were denied.
10. Continuing medical treatment would not be in the best medical interests and would be distracting the counsel during the continued preparation and trial.
11. The earliest treatment procedure is scheduled for March 2, 2016 and the doctors are not able to determine the duration or severity of recuperation.
12. It is likely, as per investigation and consultation with health care providers, during the months following the procedure counsel is likely to experience fatigue, gastric difficulties, elimination difficulties, urinary frequency, and pain.

13. That, due to the court's denial of severance and continuance Learned Counsel will be physically and mentally unable to provide the constitutional level of representation to which the defendant is entitled.

WHEREFORE, premises considered, Movant requests leave to withdraw as counsel, nunc pro tunc, as of February 4, 2016.

Respectfully submitted,

MANUEL E. PAIZ GUEVARA

By: _____/S/_____

David P. Baugh, Esq.

MOVANT

Va. Bar No. 22528

2025 East Main Street, Suite 108

Richmond, Virginia 23224

804.743-8111

Email: dpbaugh@dpbaugh.com

W. Michael Chick, Jr. Esq.

Law Offices of W. Michael Chick, Jr.

10513 Judicial Drive, Suite 102

Fairfax, Virginia 22030

571.276.8279

Email: mike@chichlawfirm.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Motion for Designation of Law Enforcement Agencies was duly served, February 17, 2016, upon:

Stephen M. Campbell, Esq.

Julia K Martinez, Esq.

Assistant United States Attorneys
Eastern District of Virginia
2100 Jamison Avenue
Alexandria, Virginia 22314,

And all other defendants in this matter by the Court's electronic
filing system.

/s/ David P. Baugh
David P. Baugh